

OPINION
52-42

July 7, 1952(OPINION)

GAME AND FISH

RE: Antelope Hunting Permits

You request an opinion from this office as to whether you may refuse applications for permits for hunting antelope to those who had permits for such hunting in 1951.

We know of no special statute covering this matter. By law you are of game animals in this state. Where the statute makes specific provision in this respect, the statute, of course, governs. It is practically impossible for the statute to cover every situation which may arise, and, as a consequence, you have the power to make such rules as may seem proper in special instances.

It would probably not be prudent to allow every hunter in the state to hunt antelope, since the locality in which they may be found is very limited, and the animals might become extinct if over-hunted. In fairness, it would seem that no hunter who received a special license last year should object to giving the other fellow a chance this year.

It is therefore our opinion that you may use your best judgment and discretion in making the rules for the 1952 hunting season.

ELMO T. CHRISTIANSON
Attorney General